

MINUTES

OF PROCEEDINGS AT A

COURT MARTIAL.

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June 8

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A COURT MARTIAL,

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HELD ON BOARD

HIS MAJESTY'S SHIP LEOPARD, AT MOCHA,

ON THE 11TH OF JUNE 1799,

ON

LIEUTENANT CHALMERS,

OF HIS MAJESTY'S SHIP DÆDALUS.

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MINUTES

OF THE BOARD OF DIRECTORS

A COURT MARTIAL

OF THE ARMY

THE MINUTES FOR THE YEAR 1925

OF THE BOARD OF DIRECTORS

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OF PROCEEDINGS AT A

COURT MARTIAL,

*Held on board his Majesty's ship LEOPARD,
at Mocha, on the 11th day of June, 1799,
on Lieutenant CHALMERS, of his Ma-
jesty's ship DÆDALUS.*

PRESENT,

COMMODORE JOHN BLANKETT, PRES^r.

CAPTAINS. THOMAS SURRIDGE.
HENRY STUART.
JOHN SPRAT RAINER.
WILLIAM HAGGITT.

READ the order of Commodore John Blankett to try Mr. Charles Wm. Chalmers, acting Lieutenant of his Majesty's ship Dædalus; for treating his Captain with disrespect on the quarter-deck, on the morning of the 17th of March last.

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Then

Then the members of the Court, and Judge Advocate, in open Court, and before they proceeded to trial, respectively took the oaths directed by an Act of Parliament, made and passed in the 22d year of the reign of his late Majesty, King George II. entitled, "An act for amending, explaining, and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships, vessels, and forces by sea." A Letter from Captain Ball, of his Majesty's ship *Dædalus*, to Commodore Blankett, was read as follows :

*His Majesty's ship Dædalus,
Mocha Road, May 16,
1799.*

SIR,

I am to request you will be pleased to order a Court Martial on Mr. Charles Wm. Chalmers, acting Lieutenant of his Majesty's ship under my command, for the charges specified against him in my two letters to Charles Boyles, Esq. senior officer of his Majesty's ships and vessels at the Cape of Good Hope; the former bearing date the 17th of March last, the latter, of the 20th
of

of the said month ; and which letters were transmitted to you, as no opportunity offered to have it carried into effect prior to the Dædalus leaving the Cape of Good Hope.

I am, Sir,

Your most obedient,

humble Servant,

H. L. BALL.

*John Blankett, Esq. Com-
modore of a Squadron of
his Majesty's ships, &c.
&c. in the Red Sea.*

All the evidences were ordered to withdraw out of the Court except Lieutenant Nicholas Tucker of the Dædalus.

Q. by Prosecutor. Was you on the quarter-deck of his Majesty's ship the Dædalus on the 17th of March last, between the hours of eight and twelve in the morning; and standing near me on the starboard side, when I gave my orders to Lieutenant Chalmers, with the permission of a boat from the Dædalus, to go on board the La Prudent,

prize to the *Dædalus*, to take charge of her for the good of his Majesty's service?

Ans. Yes, I was.

Prosecutor. Relate to the Court the conduct of Lieutenant Chalmers to me, when I ordered him to go on board the *La Prudent* for the good of his Majesty's service.

Ans. I heard Captain Ball tell Mr. Chalmers to go on board the prize, that he was neglecting his duty. Mr. Chalmers said, he was not neglecting his duty; that he came on board for papers and his commission; and that he understood the ship was going to sea. Captain Ball told him, that he was; and that he was neglecting the king's duty. Mr. Chalmers replied, that he did not conceive it the king's duty. I was ordered then to give him a boat, and Mr. Chalmers went on board.

Prosecutor. Did he not repeat it more than once or twice, that it was not his Majesty's service; and that he treated me with much disrespect and contempt.

Ans. I only remember hearing it once said; nor did I perceive any thing particular in the manner of Mr. Chalmers; nor no other

other disrespect than might be conceived from the expression itself.

Prosecutor. Did I not call on you to take notice of Mr. Chalmers' expressions and conduct to me, on the quarter-deck of his Majesty's ship Dædalus, on that day?

Ans. You did.

Prosecutor. Why was you so called on that morning?

Ans. I know no other reason than from the expression that has already been mentioned.

Prosecutor. Did I not in your presence turn round to the officers, to take cognizance of Mr. Chalmer's conduct to me that morning?

Ans. Yes.

Court. Was the conduct of Lieutenant Chalmers, while he was speaking to Captain Ball, as respectful as it ought to be, when an inferior officer speaks to his superior?

Ans. Yes it was.

Court. His language was moderate, and his voice temperate?

Ans. Yes.

Court. Did he shew the common mark of respect to his Captain while he was talking

ing to him, by pulling off his hat, or moving it at any time ?

Anf. I do not recollect that he did.

Court. When Lieutenant Chalmers received the order from Captain Ball to go on board the prize and take charge of her, did he make any objection at that time of its not being the king's duty ?

Anf. He did not at that time ?

Court. Did you ever hear Mr. Chalmers say that he thought it was not the king's service, except at the time alluded to.

Anf. Never publicly on the quarter-deck.

Court. When you were on board the prize, in charge of her, did you not suppose yourself in the situation of an officer in the king's service ?

Anf. I did.

Prisoner. Did I not immediately, when I got what I came for, go on deck, with an intention of going on board the Prudent ?

Anf. I did not know that Mr. Chalmers was on board, until I came upon deck and saw him there.

Prisoner. Did I refuse to go on board the
the

the Prudent, when ordered by Captain Ball?

Ans. No.

Prisoner. Did it appear to you when I came on board the Dædalus for my commission, that I was neglecting his Majesty's service?

Ans. It did not.

Prisoner. Do you recollect my telling Captain Ball, that the boat I came in was not alongside of the ship?

Ans. Yes I do.

Prosecutor. Was not the Prudent at that time discharging her ordnance stores, guns, tackling, and furniture, and clearing her to be delivered into the charge of the agent.

Ans. It was on a Sunday; and I do not recollect whether they were sending stores on shore, or not.

Prosecutor. Were her guns not going on board the Woolwich; and were we not in the custom of working on Sundays when at the Cape of Good Hope?

Ans. I am not certain whether there were any of her guns went or not; but we were in the habit of working on Sundays.

Prosecutor. Did I refuse Lieutenant Chalmers

Chalmers a boat when I found he had none alongside, but ordered one immediately for him ?

Anf. You did not refuse, but ordered a boat.

Prisoner. Were not the men belonging to the Dædalus taken out of the prize prior to the 17th of March ?

Anf. I think they were.

Prisoner. Do you recollect there being any boat sent from the Dædalus, before I came on board, to assist in getting the guns out on that day.

Anf. I do not remember that there was.

Prosecutor. Where there not a certain number of men, belonging to the Raïsonable, on board the prize before you left her ?

Anf. There was.

Prosecutor. Was not the Prudent, when no other boats could be obtained, discharged by her own launch ?

Anf. Yes.

Prosecutor. Whether or no did any of the boats of the Dædalus take any of the heavy stores from the Prudent to carry them on shore.

Anf. The Dædalus's launch was employed

ployed in taking wood, and the cutters in towing.

Prosecutor. Could the Prudent's launch carry guns there without some boat to assist in towing?

Ans. It might be done, but with difficulty.

Court. On that day, when Lieutenant Chalmers was on board the Dædalus, can you say whether they were discharging any stores from the Prudent or no?

Ans. I cannot.

Court. What distance was the Woolwich from the Prudent?

Ans. Something better than half a mile.

Court. What men remained on board the Prudent to clear her after those of the Dædalus had left her?

Ans. Six-and-twenty of the Raifonable's, with a petty officer, and some Maleys that were taken in the ship.

Lieutenant Tucker ordered to withdraw:—

Mr. Jolliffe, Lieutenant of Marines, was next called into Court, and sworn.

C

Prosecutor.

(10)
Prosecutor. Was you not standing by me on the starboard side of the quarter-deck, on the morning of the 17th of March last, when I ordered Lieutenant Chalmers on board the La Prudent, to take charge of her for the good of his Majesty's service? Did you not hear him say that he would, but that it was not his Majesty's service?

Anf. I was walking with Lieutenant Chalmers, when Captain Ball ordered him on board the Prudent; he said, that he would go immediately when the boat returned from the Raïsonable. Captain Ball ordered him on board immediately, and to stay there for his Majesty's service. He said he would go immediately; but did not conceive it his Majesty's service. Captain Ball ordered Mr. Tucker to give him a boat, and he went immediately.

Prosecutor. Was Lieutenant Chalmers' conduct to me that morning, as his Captain, respectful?

Anf. Yes.

Prosecutor. Did you not suppose his voice much louder, and his conduct different from usual?

Anf. No.

Court.

Court. Did Mr. Chalmers repeat, that he did not think it was for his Majesty's service?

Ans. No; I do not recollect that he did.

Court. Was there any altercations between Captain Ball and Mr. Chalmers?

Ans. Nothing but what I have related.

Court. I would wish you to describe Mr. Chalmers' manner that morning, and what was his manner?

Ans. With all respect.

Court. Did you ever hear Mr. Chalmers before that say, that he did not think that it was his Majesty's service that he was upon?

Ans. No.

Court. As you have said that he behaved with all due respect to Captain Ball, as his Captain; did he behave with that respect which is due from an inferior officer to his superior, by pulling off his hat when he addressed him?

Ans. He put his hand to his hat.

Prisoner. Was the *Dædalus* at single anchor when I came on board, and expected to go to sea?

Anf. Yes.

Prisoner. Do you recollect what I came on board the Dædalus for on the 17th of March?

Anf. You said in the gunroom, for your commission and papers.

Prisoner. Did I not, when I got what I came for, go immediately on deck, saying, I would go on board the Prudent immediately?

Anf. I do not recollect your saying so.

Court. How long was Mr. Chalmers on board the Prudent, prior to that day.

Anf. Four or five.

Court. On the 17th, when Mr. Chalmers came on board, what stay did he make on board the Dædalus?

Anf. About a quarter of an hour.

Mr. Jolliffe, Lieutenant of Marines, ordered to withdraw.—Mr. Thomas Grey, Midshipman, was next called into Court, and sworn,

Prosecutor. On the 17th of March last, between the hours of eight and twelve in the morning, you was on the larboard side of the quarter deck—did I not desire you to take
notice

notice of Lieutenant Chalmers' conduct to me, treating me with disrespect, and telling me, when I ordered him on board the Prudent, he would go, but that it was not his Majesty's service?

Ans. I was there, and took notice of what he said. Captain Ball told Mr. Chalmers to go on board the Prudent, and attend to his Majesty's service. Mr. Chalmers made answer, and said, that he did not conceive that it was his Majesty's service. Captain Ball said, that he treated him with contempt and disrespect; and Mr. Chalmers, in going down the ladder, said, that he was neither mutinous, contemptuous, or disrespectful.

Court. What time was Mr. Chalmers on board the Dædalus, and how long?

Ans. About three-quarters of an hour?

Court. Was Mr. Chalmers' manner, while he was speaking to Captain Ball, respectful; such as becomes an inferior when speaking to his superior officer?

Ans. Captain Ball was standing still, and Mr. Chalmers was walking fore and aft the deck.

Court.

Court. Was Mr. Chalmers' answers that he did not conceive it to be his Majesty's service, spoken respectfully, or sneeringly with contempt?

Ans. I did not see that he answered with disrespect.

Court. Are you certain that Mr. Chalmers made use of those expressions?

Ans. Yes, he did.

Court. In the course of what passed between Captain Ball and Lieutenant Chalmers, whether you heard Captain Ball accuse Mr. Chalmers of behaving in a mutinous manner?

Ans. No, I did not.

Court. Were the words that Mr. Chalmers spoke to Captain Ball, spoke with heat or passion, or were they calm, or were they spoken moderately?

Ans. In heat.

Court. Were they clearing the Prudent at the time that Mr. Chalmers was on board the Dædalus?

Ans. I do not know.

Prisoner. I wish to know what ladder Mr. Gray alludes to, when I made use of those expressions?

Ans.

Ans. The gangway ladder.

Prisoner. Was there any particular duty going on board the *Dædalus* at that time?

Ans. No, not to my knowledge.

Prisoner. Did I refuse to go on board the *Prudent*, when ordered by Captain Ball?

Ans. You said that you would go, but that you did not think it his Majesty's service.

The evidence in support of the charge being finished, the Prisoner was called upon to make his defence, which he did in the following words:—

MR. PRESIDENT,

and Gentlemen of the Court,

I cannot but say I feel myself somewhat awkward in defending myself against a charge of a crime, which I assure this Honourable Court, I never once harboured a thought of; and which I hope to prove, if not totally groundless, as most void of the least intention.

I must

I must beg to observe to the Honourable Court, my being sent on board La Prudent was considered by most of the officers and myself, to be a punishment for refusing to go to sick quarters when in perfect health; Captain Ball having said, that if I would not go to sick quarters, that he would leave me behind in the prize. On the 17th instant, the day the circumstance happened, on receiving my orders to return on board La Prudent, which was delivered with some degree of warmth, and a charge of neglecting his Majesty's service—made a reply I would go; I added, that I did not conceive it was his Majesty's service. I was to be left behind without a man from the Dædalus; even my servant was refused to be left with me.

I hope the Honourable Court will not think that there is the least threat in my letter; as I wrote it to apprise Captain Ball of my intention to have his conduct investigated for the language made use of to me in his cabin, on the 5th of March. I may be wanting in form in that letter; which I hope the Court will not attribute to disrespect, but the want of experience.

I beg

I beg leave to conclude my defence to this Honourable Court, with my thanks for their indulgence; resting confident in their candour and impartiality.

HIS MAJESTY'S SHIP LÉOPARD,

11th June, 1799.

THE Prisoner desired that his witnesses might be examined.

Mr. Gray, Midshipman, was accordingly sworn.

Prisoner. Do you recollect the day I made use of these expressions to Captain Ball?

Ans. The 17th.

Prisoner. Do you recollect if there was any person near at the time?

Ans. Mr. Smith was.

Prisoner. Do you recollect which gang-way ladder it was?

D

Ans.

Ans. The starboard gangway.

Mr. Nicholas Tucker, Lieutenant, was next called.

Prisoner. Was you on the gangway when I went over the side to go on board the Prudent, on the 17th?

Ans. I was.

Prisoner. Do you recollect any particular expression made use of by me when going over the side?

Ans. I do not recollect that you spoke, except an answer to my request, you not detaining the boat.

Prisoner. If I had made use of any expression, was you not near enough to hear it?

Ans. I was.

Mr. Stead, Master, was next called and sworn.

Prisoner. Was you on the quarter-deck on the day I received the written order from Captain Ball to go on board the Prudent?

Ans. Yes.

Prisoner

Prisoner. Do you recollect Captain Ball saying, he would take every body out of the prize, and that he would leave me there by myself; and that if he could not get the better of me in one way, he would in the other?

Ans. I remember Captain Ball saying, that he would take every body out of the prize; and that if he could not get the better of him in one way, he would in another—or words to that effect.

Capt. Ball. Was not the *Dædalus* preparing, and every exertion making, to get her ready for sea on the 17th?

Ans. The *Dædalus* was preparing for sea on that day, and every exertion was made.

Capt. Ball. I request to know whether you did not see me between decks giving orders, and using every exertion in my power to get the ship ready for sea?

Ans. Yes.

Court. Were they employed at that time in clearing the prize?

Ans. They were employed at that time, but cannot tell in what.

(25)
The evidence withdrew ; and the Prisoner having nothing further to offer in his defence, the Court was cleared, and proceeded to deliberate upon, and form the sentence.

And, having duly and deliberately considered the same, are of opinion that the charge is proved. They therefore adjudge him to be dismissed his ship: and he is hereby dismissed accordingly.

Signed

J. BLANKETT.
THO. SURRIDGE,
J. S. RAINER.
H. STUART.
WM. HAGGITT.

(A true copy.)

JOHN HOWDEN, *appointed*
to officiate as Deputy
Judge Advocate on the
occasion.

N. B. Copies of the two letters from Captain Ball to Captain Charles Boyles, referred to, are herewith annexed.

APPENDIX.

(21)

APPENDIX.

*His Majesty's ship Dædalus,
Table Bay, Cape of Good
Hope, 20th March, 1799.*

SIR,

I beg to inform you, for the further information of my Lords Commissioners of the Admiralty, and inclosed is a copy of a threatening letter I yesterday received from Lieutenant C. W. Chalmers, of his Majesty's ship under my command, at 6 P. M. in answer to my letter to him of the 17th instant; informing him of my intentions of bringing him to a Court Martial, for his conduct on that day, in treating me with disrespect, and denying his Majesty's service, on the quarter deck, when in charge of the

the Prudent, prize to his Majesty's ship
Dædalus.

I am, Sir,

Your most obedient,

humble Servant,

H. L. BALL.

Charles Boyles, Esq.

(A copy.)

*His Majesty's ship Dædalus,
Table Bay, Cape of Good
Hope, 17th March 1799.*

SIR,

The exigence of his Majesty's service requiring my immediately going to sea, and not having another officer to put into the charge of La Prudent, prize to his Majesty's ship under my command, I beg you will be pleased to transmit my letter, of this day's date, to my Lord's Commissioners of the Admiralty, requesting, when a proper opportunity offers, for a Court Martial on Lieutenant Chalmers; for having, on the quarter-deck of his Majesty's ship under

my command, between the hours of nine and ten in the morning of the above date, when I ordered him on board La Prudent, which he was in charge, and to take care of her for the benefit of his Majesty's service, which he had my order to remain there, until further orders. In consequence of which, he treated me with disrespect, in telling me he would, but that it was not his Majesty's service.

I beg leave to inform you I have apprized Lieutenant Chalmers of my proceedings, and to hold himself amenable for his conduct accordingly.

Inclosed is a copy of my order and letter to Lieutenant C. W. Chalmers; with a list of evidences I wish to call on.

I am, Sir,

Your most obedient, humble Servant,

H. L. BALL.

Charles Boyles, Esq. Captain of his Majesty's ship Raionable, and senior officer of his Majesty's ships and vessels, Table Bay, Cape of Good Hope.

(A copy.)

THE END.

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12/1/11

